

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 7.00 AIR POLLUTION CONTROL REGULATIONS

310 CMR 7.05 U FUELS ALL DISTRICTS

7.05: U Fuels All Districts

(1) Sulfur Content of Fuels and Control Thereof.

(a) * * *

(b) Central Massachusetts Air Pollution Control District.

1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in the City of Worcester, shall cause, suffer, allow, or permit the burning therein of any residual fuel having a sulfur content in excess of .55 lbs. per million B.t.u. heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in 310 CMR 7.05(1)(b)4 and 310 CMR 7.05(2).
2. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in 310 CMR 7.05(1)(b)1 shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of .55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulation 310 CMR 7.05(1)(b)3, and 310 CMR 7.05(1)(b)4, and 310 CMR 7.05(2).
3. Any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in 310 CMR 7.05(1)(b)1, and having an energy input capacity rated by the Department of one hundred million (100,000,000) Btu per hour or greater, may cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:
 - a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and

- b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and
 - c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
 - d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.
4. The provisions of 310 CMR 7.05(1)(b)1, 2, and 3 shall not apply in facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.
5. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million B.t.u. heat release potential (approximately equivalent to 0.3% sulfur content fuel) unless:
- a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and
 - b. the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.
6. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 310 CMR 7.05(1)(b)(1), 310 CMR 7.05(1)(b)2, 310 CMR 7.05(1)(b)3, and 310 CMR 7.05(1)(b)5 except that such shipment may be made provided:
- a. use of such fuel has been approved by the Department in writing,
 - b. such approval has been verified by the shipper, and

- c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.
- 7. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.
- 8. Approval granted under provisions of Regulation 310 CMR 7.05(1)(b)1, 2, 3, 4, 5 or 6 may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.
- 9. The Department will from time to time conduct a review of the operation of Section 7.05(1). The first review of the operation of Section 7.05(1) will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:
 - a. an analysis of pertinent ambient air monitoring data,
 - b. dispersion modeling analysis using pertinent ambient air data and generally accepted modeling techniques,
 - c. an analysis of the costs and savings accrued through the use of fuel allowed by 310 CMR 7.05(1),
 - d. an analysis of the extent to which continued operation of 310 CMR 7.05(1) will limit growth, and
 - e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comments on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by 310 CMR 7.05(1) by an eligible source

- a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
- b. results in no net cost savings, or

- c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of 310 CMR 7.05(1). Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05(1) causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

(c) * * *

(d) Metropolitan Boston Air Pollution Control District.

1. * * *

- 2. Any person owning, leasing or controlling the operation of an electric generating facility having an energy input capacity rated by the Department of two and one half billion (2.5 billion) or greater Btu per hour located in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown, may cause, suffer, allow, or permit the burning therein of any fossil fuel with a sulfur content not to exceed 0.55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) provided:
 - a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
 - b. the Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated, and
 - c. the facility has available for conversion within three (3) hours of any notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
 - d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and

maintenance of ambient air monitoring equipment by the applicant in a manner specified by the Department.

3. * * *

4. Any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in 310 CMR 7.05(1)(d)1 and having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer, allow, or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:
 - a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
 - b. the Department determines that the use of such fuel would not cause other applicable air pollution regulations or ambient air quality standards to be violated, and
 - c. the facility has available, ready for conversion within six (6) hours of any notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
 - d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant in a manner specified by the Department.

5. * * *

10. the Department will from time to time conduct a review of the operation of Section 7.05(1). The first review of the operation of Section 7.05(1) will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:
 - a. an analysis of pertinent ambient air monitoring data,
 - b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling techniques,

- c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05(1),
- d. an analysis of the extent to which continued operation of Section 7.05(1) will limit growth, and
- e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05(1) by any eligible source:

- a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
- b. results in no net cost savings, or
- c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05(1). Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05(1) causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

(e) Pioneer Valley Air Pollution Control District.

- 1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content in excess of .55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulation 310 CMR 7.05(1)(e)2, and 3, and 310 CMR 7.05(2).
- 2. Any person owning, leasing, or controlling the operation of a fossil fuel utilization facility having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer,

allow or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:

- a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
 - b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and
 - c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
 - d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.
3. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility located in Franklin and Hampshire Counties having an energy input capacity rated by the Department of less than one hundred million (100,000,000) Btu per hour may cause, suffer, allow or permit the burning therein of residual fuel oil with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:
 - a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
 - b. the Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated, and
 - c. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.
4. The provisions of Regulation 310 CMR 7.05(1)(e)1, 2 and 3 shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

5. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel), unless:
 - a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and
 - b. the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.
6. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 310 CMR 7.05(1)(e)1, 2, 3 or 4 except that such shipment may be made provided:
 - a. use of such fuel has been approved by the Department in writing.
 - b. such approval has been verified by the shipper, and
 - c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.
7. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.
8. Approval granted under provisions of Regulation 310 CMR 7.05(1)(e)1, 2, 3 or 4 may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.
9. The Department will from time to time conduct a review of the operation of Section 7.05(1). The first review of the operation of Section 7.05(1) will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:
 - a. an analysis of pertinent ambient air monitoring data,

- b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling techniques,
- c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05(1),
- d. an analysis of the extent to which continued operation of Section 7.05(1) will limit growth, and
- e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05(1) by an eligible source

- a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
- b. results in no net cost savings, or
- c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05(1). Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05(1) causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

(f) Southeastern Massachusetts Air Pollution Control District.

1. * * *

- 2. Any person owning, leasing, or controlling the operation of a fossil fuel utilization facility having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer, allow or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately

equivalent to 2.2% sulfur content fuel oil) provided:

- a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
- b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and
- c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
- d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

* * *

8. The Department will from time to time conduct a review of the operation of Section 7.05(1). The first review of the operation of Section 7.05(1) will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:
 - a. an analysis of pertinent ambient air monitoring data,
 - b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling techniques,
 - c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05(1),
 - d. an analysis of the extent to which continued operation of Section 7.05(1) will limit growth, and
 - e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05(1) by any eligible source

- a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
- b. results in no net cost savings, or
- c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05(1). Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05(1) causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

* * *

7.05 (4) Ash Content of Fuels.

(a) CM, MB, MV, PV, B, and SM.

- 1. No person shall cause, suffer, allow, or permit the burning in the District of any fossil fuel containing an ash content in excess of nine percent (9%) by dry weight except as provided in 310 CMR 7.05(4)(b)2.
- 2. In CM, MV, and SM, fossil fuel utilization facilities having an energy input capacity rated by the Department of two hundred and fifty million (250,000,000) or greater B.t.u./hour, and in MB, B and PV all fossil fuel utilization facilities, may burn fossil fuel with an ash content in excess of nine percent (9%) by dry weight, provided:
 - a. application is made to the Department in writing to use such fuel and any information as the Department may require is submitted, and
 - b. the Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated, and
 - c. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant in a

manner specified by the Department.